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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,619	03/18/2002	Masatoshi Adachi	041514-5256	3688

9629 7590 10/28/2005

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EXAMINER	
GIESY, ADAM	
ART UNIT	PAPER NUMBER
2651	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/098,619	ADACHI, MASATOSHI	
	Examiner	Art Unit	
	Adam R. Giesy	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4, 8-12, and 15-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 8-12, and 15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 5-12, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda (US Pat. N. 6,724,704 B2).

Regarding claim 1, Kuroda discloses a recording apparatus for a write-once and/or re-recordable optical recording medium which has a recording position information section formed beforehand for bearing recording position information (see Figure 7, element 42 – see also Figure 5), and records a data signal including address information in accordance with recording frames indicated by said recording position information (Figure 7, element 21 – the ID information for the data blocks carries the address information), the recording apparatus comprising: a discriminator for discriminating said recording position information (Figure 6, element 9 – see also column 10, line 66 thru column 11, line 3); a detector for detecting a deviation between an end position address of recorded data already recorded on said optical recording medium and a frame address next to the end position address (Figure 6, element 9 - see also column 11, lines 17-42); and a controller for adjusting a recording start position of the data signal based on the deviation while recording the data signal (Figure 6, element 9).

Regarding claim 2, Kuroda discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the controller adjusts the recording start position such that a difference between the end position address of recorded data and the recording start position falls within a predetermined range (Figure 6, element 9; see also Figure 7 – since the controller detects the end of the data and immediately begins the recording of the new data, the controller must inherently control the recording start position that the deviation between the end address of the prior data and the start address of the new data are within an extremely small range).

Regarding claim 3, Kuroda discloses a recording apparatus for a write-once and/or re-recordable optical recording medium which has a recording position information section formed beforehand for bearing recording position information (see Figure 7, element 42 – see also Figure 5), and records a data signal in a recording format including synchronization information in accordance with recording frames indicated by said recording position information (Figure 7, element 21 – the ID information for the data blocks carries the address information), the recording apparatus comprising: a discriminator for discriminating said recording position information (Figure 6, element 9 – see also column 10, line 66 thru column 11, line 3); a detector for detecting a deviation between an end position address of recorded data already recorded on said optical recording medium and a frame address next to the end position address (Figure 6, element 9 - see also column 11, lines 17-42) by comparing said recording position information and the synchronization information of the recorded data

(see column 3, lines 1-11); and a controller for adjusting a recording start position of the data signal based on the deviation while recording the data signal (Figure 6, element 9).

Regarding claim 4, Kuroda discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the controller adjusts the recording start position such that a difference between the end position address of recorded data and the recording start position falls within a predetermined range (Figure 6, element 9; see also Figure 7 – since the controller detects the end of the data and immediately begins the recording of the new data, the controller must inherently control the recording start position that the deviation between the end address of the prior data and the start address of the new data are within an extremely small range).

Regarding claim 8, Kuroda discloses a recording apparatus for a write-once and/or re-recordable optical recording medium which has a recording position information section formed beforehand for bearing recording position information (see Figure 7, element 42 – see also Figure 5), and records a data signal including address information in accordance with said recording position information (Figure 7, element 21 – the ID information for the data blocks carries the address information), the recording apparatus comprising: a discriminator for discriminating said recording position information (Figure 6, element 9 – see also column 10, line 66 thru column 11, line 3); a detector for detecting a deviation between said address information recorded in said optical recording medium and said recording position information (Figure 6, element 9 - see also column 11, lines 17-42); and a controller for controlling the recording position of the data signal based on the deviation while recording the data signal (Figure 6,

element 9) wherein the controller controls the difference between said address information and said recording position information to be within a predetermined range by recording predetermined data in a recording area present between a recording end position and the position where the recording position information section is formed (Figure 6, element 9; see also Figure 7 – since the controller detects the end of the data and immediately begins the recording of the new data, the controller must inherently control the recording start position that the deviation between the end address of the prior data and the start address of the new data are within an extremely small range).

Regarding claim 9, Kuroda discloses a recording apparatus for a write-once and/or re-recordable optical recording medium which has a recording position information section formed beforehand for bearing recording position information (see Figure 7, element 42 – see also Figure 5), and records a data signal including address information in accordance with said recording position information (Figure 7, element 21 – the ID information for the data blocks carries the address information), the recording apparatus comprising: a discriminator for discriminating said recording position information (Figure 6, element 9 – see also column 10, line 66 thru column 11, line 3); a detector for detecting a deviation between said address information recorded in said optical recording medium and said recording position information (Figure 6, element 9 - see also column 11, lines 17-42); a controller for controlling the recording position of the data signal based on the deviation while recording the data signal (Figure 6, element 9); an identifier for identifying a rewritable optical recording medium on which data is to be recorded (Figure 6, element 9), and an irregular-area detector for detecting an irregular

recording area subject to the deviation, wherein the controller rewrites the data which has already recorded on the irregular recording area (Figure 6, element 9; see also column 13, lines 11-24 – the CPU detects whether or not to store dummy data when the new data decoding has not been terminated, thus reading upon the claimed irregularity).

Regarding claim 10, Kuroda discloses all of the limitations of claim 9 as discussed in the claim 9 rejection above and further that the recording apparatus further comprises a memory for storing the data recorded onto the irregular recording area (Figure 6, element 9m).

Regarding claim 11, Kuroda discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the recording position information is information defined by a prepit (column 6, lines 18-22).

Regarding claim 12, Kuroda discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the recording position information is information defined by wobbling (column 6, lines 11-17).

Regarding claim 15, Kuroda discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the recording position information is information defined by a prepit (column 6, lines 18-22).

Regarding claim 16, Kuroda discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the recording position information is information defined by wobbling (column 6, lines 11-17).

Regarding claim 17, Kuroda discloses all of the limitations of claim 8 as discussed in the claim 8 rejection above and further that the recording position information is information defined by a prepit (column 6, lines 18-22).

Regarding claim 18, Kuroda discloses all of the limitations of claim 8 as discussed in the claim 8 rejection above and further that the recording position information is information defined by wobbling (column 6, lines 11-17).

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kuroda et al. (US Pat. No. 6,252,838 B1) discloses a method of recording from the end position of previously recorded data on an optical disc.

b. Kuroda et al. (US Pat. No. 6,735,155 B2) discloses a method of recording from the end position of previously recorded data on an optical disc.

c. Kobayashi et al. (US Pat. No. 5,835,461) discloses a method of recording data on an optical disc.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARG 10/21/2005

ARISTOTELIS M. PSITOS
PRIMARY EXAMINER